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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,587	03/09/2001	Andrea Bowes Chowanic	201-0005	7796

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/802,587

Applicant(s)

CHOWANIC ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

4. Claim 3 recites the limitation "the selected route" in the last line. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 5 recites the limitation "the starting point" in line 7. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 5 recites the limitation "the destination" in line 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application

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published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1 through 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Roeseler et al., 6317684.

9. As per claim 1, Roeseler et al. discloses a data processor having a data base of routing information over which a land vehicle may travel, the data processor being programmable with a starting point and a destination point, the data processor being provided with user preferences and real time parameters that are used in providing previously selected route that is selected prior to beginning traversing the route on lines 30-60, on column 5; a GPS providing a set of current location data corresponding to the current location of the vehicle on lines 55-65, on column 7; and the data processor providing an alternative route to the destination point based upon the set of current location data, user preference data and a set of updated real-time parameters that provides the user with the alternative route while traversing the previously selected route on lines 30-37, on column 7.

10. As per claim 2, Roeseler et al. discloses the user preference data is one of shortest time, shortest distance, maximum freeway use, minimum freeway use, maximum toll road use, and minimum toll road use on lines 44-48, on column 1.

11. As per claim 3, Roeseler et al. discloses the set of real time parameters comprise traffic data, weather data, train schedule data, draw bridge data, construction data, and special event data that are used by the data processor depending upon availability in calculating an alternate route, comparing the previously selected route to the alternate

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route, and providing information to driver to evaluate and select between the previously selected route and the alternate route repeatedly in response to each update to the real time parameters while traveling along the selected route on lines 55-60, on column 5.

12. As per claim 4, Roeseler et al. discloses the information provided to the driver to evaluate and select between the previously selected route and the alternate route is selectively provided only when the alternate route would provide a predetermined improvement in efficiency as measured by a selected parameter on line 30-37, on column 7.

13. As per claim 5, Roeseler et al. discloses inputting a starting location, destination location, a set of real time parameters on lines 58-67, on column 7; inputting a set of user preferences on lines 45-50, on column 1; calculating at least one route from the starting point to the destination point including factoring in the effect of the real time parameters and user preferences on lines 1-5, on column 8; selecting one of the routes and traveling along a selected route toward the destination on lines 5-10, on column 8; calculating an alternate route from an intermediate location to the destination location based upon the updated set of real time parameters on lines 15-20, on column 8; comparing the selected route to the alternate route and providing information to the drive to evaluate and choose between the selected route and the alternate route, the choice of the driver thereafter being the selected route for the continuation of traveling to the destination location on lines 35-37, on column 7.

14. As per claim 6, Roeseler et al. discloses the step of updating the set of real time parameters, calculating the alternate route, and comparing the previously selected route

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to the alternate route are repeated in response to each update of the real time data on lines 36-40, on column 3; and the step of providing information to the driver to evaluate and select between the previously selected route and the alternate route is repeated upon receiving a request from the user or when the alternate route would provide a predetermined degree of improvement in efficiency in reference to at least one select parameter on lines 62-67, on column 5.

15. As per claim 7 and 8, Roeseler et al. disclose the step of providing information to the user is repeated only when the alternate route results in a reduction of the time or cost of travel from the intermediate location to the destination location on lines 38-50, on column 2.

16. As per claim 9, Roeseler et al. disclose the real-time parameters are selected from the group of traffic data, weather data, train schedule data, draw bridge data, construction data, and special event data on lines 55-60, on column 5.

17. As per claim 10, Roeseler et al. disclose the real time parameters are data that may be provided to the data processor that could impact the time or cost of travel to the destination location on lines 12-14, on column 6.

18. As per claim 11, Roeseler et al. disclose the starting location and intermediate location are input from a global positioning system on lines 58-62, on column 7.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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20. Walgers et al., 6298302, discloses a navigation system for providing an optimal route from traffic messages.
21. Kozak et al., 6317685, discloses a method and system for providing alternate routes with a navigation system.
22. Ran, 6317686, discloses a method of providing travel time.
23. Herbst et al., 6321161, discloses a method and system for providing guidance about alternate routes with a navigation system.
24. Hessing, 6321162, discloses a method for taking into account supplementary traffic information in an onboard travel control system.
25. King et al., 6351709, discloses a vehicle navigation system with route updating feature.
26. Monde et al., 6356839, discloses a navigation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After-Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB

September 29, 2002

*Jacqueline H. L. L. L.*  
JACQUELINE H. L. L. L.  
PRIORITY EXAMINER